

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

JAMES JOHNNY JONES,)
)
Petitioner,)
)
v.)
)
MICHAEL K. ADDISON, Warden,)
)
Respondent.)

ORDER

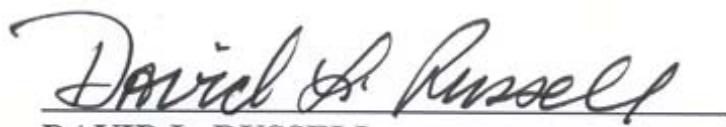
Before the Court is the Supplemental Report and Recommendation of United States Magistrate Judge Gary M. Purcell entered February 12, 2010. Doc. No.17. Also before the Court is Petitioner’s Objection to the Supplemental Report and Recommendation. Doc. No. 18. The Court reviews the Supplemental Report and Recommendation *de novo* in light of Petitioner’s Objection pursuant to 28 U.S.C. § 636(b)(1)(B).

Petitioner's Objection is for the most part a reiteration of the arguments made before the Magistrate Judge. In other respects, Petitioner's arguments are difficult to understand but it appears that Petitioner is now asserting that he needs the transcripts to attack convictions prior to the conviction in the Blaine County Case No. CF-98-47, which were used to enhance the sentence in that case. However, this argument, raised for the first time in an objection to the Magistrate Judge's Supplemental Report and Recommendation, will not be considered. Moreover, Petitioner has not demonstrated that he has exhausted his available state remedies with respect to his claim that he was denied his constitutionally protected right to a free transcript in other, prior cases.

Upon the Court's review of the Supplemental Report and Recommendation in light of Petitioner's Objection, the Court concurs in the findings and conclusions of the Magistrate Judge concerning Petitioner's 28 U.S.C. § 2241 claim for denial of due process in the revocation of 750 earned credits, his successive 28 U.S.C. § 2244(d)(1) petition to the extent it is construed as such, and his claim for the denial of transcripts.

In accordance with the foregoing, the Supplemental Report and Recommendation of the Magistrate Judge is ADOPTED in its entirety, the petition of James Johnny Jones for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 is DENIED and his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, to the extent it is so construed, is DISMISSED as time-barred.

IT IS SO ORDERED this 1st day of March, 2010.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE